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W.P.No.30007 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2024

CORAM

THE HONOURABLE MR. JUSTICE S. SOUNTHAR

W.P No.30007 of 2024

1. Marappan
2. Thottaiyan
3. Sakkappan

...Petitioners

Vs.

1. The Taluk Tashildar,
Office of the Taluk Tashildar,
Shoolagiri Taluk,
Krishnagiri District.
2. Firka Surveyor,
Shoolagiri Taluk,
Krishnagiri District - 635 117.
3. Village Administrative Officer,
Ulagam Village, Shoolagiri Taluk,
Krishnagiri District - 635 117.
4. Venkatesh

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the official respondents to consider the petitioner's representation dated 09.08.2024 and not to take any steps to conduct survey of the lands in Survey Nos.126/1A and 126/1B situated at Ulagam village, Shoolagiri Taluk, Krishnagiri District as mentioned in the



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notice having Reference no. F.L.En.2024/0123/31/001679 dated 10.08.2024

issued by the first respondent during the pendency of the Civil Suit in O.S.No.238/2024 on the file of the Principal District Judge at Krishnagiri and pass appropriate orders within the time to be stipulated by this Court.

For Petitioner : M/s. Ramya
for R.Bharath Kumar

For R1 to R3 : Mr.A.Selvendran
Special Government Pleader

ORDER

The petitioners herein seek a direction to the respondents to consider their representation dated 09.08.2024 requesting them not to take any steps to conduct survey of the lands in Survey Nos.126/1A and 126/1B situated at Ulagam village, Shoolagiri Taluk, Krishnagiri District as mentioned in the notice dated 10.08.2024 issued by the first respondent.

2. By consent of both the learned counsel appearing for the petitioners as well as respondents 1 to 3, this writ petition is disposed of at the admission stage itself.



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WEB COPY 3. It is the case of the petitioners that the fourth respondent herein submitted an application before the first respondent seeking survey of the above mentioned lands which are the subject matter of dispute in O.S.No.238 of 2024 pending on the file of the Principal District Judge, Krishnagiri. The petitioners filed the said suit for partition against the fourth respondent and others. The petitioners sent a representation to the official respondents not to survey the lands at the instance of the fourth respondent in view of the pendency of the civil suit for partition. Without considering the same, the first respondent is taking steps to conduct survey of the lands. Therefore, the petitioners are before this court.

4. Mr.Selvendran, learned Special Government Pleader, who takes notice for the respondents 1 to 3 would submit that the first respondent has issued only a notice to the petitioners and the fourth respondent for enquiry on 14.08.2024 and it is always open to the petitioners to appear before the first respondent and submit their objections stating about the pendency of the suit.



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5. After hearing both sides and upon perusal of the documents enclosed in the typed set of papers, this court is of the view that when the Civil suit is pending between the petitioners and the private respondent, it is open for the parties to work out their remedy before the Civil Court. Therefore, the petitioners are directed to submit their objections before the first respondent. If the petitioners have already submitted their objections before the first respondent on 09.08.2024 mentioning the pendency of the Civil Suit, the first respondent is directed to consider the representation of the petitioners dated 09.08.2024 and pass final orders, after issuing notice to the petitioners as well as the fourth respondent and any other interested parties, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of.

No costs.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
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- To
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S. SOUNTHAR, J.

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